

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALFRED LAM, et al.,  
Plaintiffs,

v.

THE CITY & COUNTY OF SAN  
FRANCISCO, et al.,  
Defendants.

Case No. 10-cv-04641-PJH

**ORDER RE: NOVEMBER 22 LETTER**

Re: Dkt. No. 240

The court is in receipt of a November 22 letter from pro se plaintiffs regarding the Clerk's notice of an unpaid filing fee for an appeal filed in this case. Dkt. 240. Plaintiffs' letter asserts that they have a "good faith reason to believe" that no "duplicate" fee will be owed because their two pending appeals (9th Cir. No. 16-16559 and No. 16-15596) will be consolidated by the Ninth Circuit. On September 20, 2016, plaintiffs moved the Ninth Circuit to "waive" the filing fee and "merge" appeal No. 16-16559 with No. 16-15596. See 9th Cir. No. 16-16559 Dkt. 3.

Whether the appeals will be consolidated or the filing fee waived on that basis is a matter for the Ninth Circuit. Moreover, since an appeal is pending in this matter, this court lacks jurisdiction over the case, save in limited circumstances not relevant here. See, e.g., Natural Resources Defense Council, Inc. v. Southwest Marine Inc., 242 F.3d 1163, 1167 (9th Cir. 2001) (citations omitted).

**IT IS SO ORDERED.**

Dated: December 1, 2016



PHYLLIS J. HAMILTON  
United States District Judge